

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,  
  
Plaintiff  
  
-against-  
  
BRIAN COLL,  
  
Defendant.

15 Cr. 360 (LAP)

ORDER

BRIAN COLL,  
  
Plaintiff  
  
-against-  
  
UNITED STATES OF AMERICA,  
  
Defendant.

19 Civ. 6526 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

By order dated June 16, 2022, the Court denied Mr. Coll's motion to vacate his conviction pursuant to 28 U.S.C. § 2255. (See Dkt. no. 194 in 15-cr-360.) On June 30, 2022, Mr. Coll moved this Court for appointment of counsel to appeal the denial of the 2255 petition. (Dkt. no. 195 in 15-cr-360.)

The Court clarifies that no certificate of appealability of the Court's June 16, 2022 denial of the 2255 petition will issue because Mr. Coll has failed to make a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c). The Court also certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from the June 16, 2022 order would not be taken in good faith. Accordingly, the motion for appointment of counsel

(dkt. no. 195) is denied. See, e.g., In re Seimon, 421 F.3d 167, 169 (2d Cir. 2005).

The Clerk of the Court shall mark dkt. no. 195 as closed and shall mail a copy of this order to Mr. Coll.

**SO ORDERED.**

Dated: New York, New York  
July 1, 2022

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LORETTA A. PRESKA  
Senior United States District Judge